

REMARKS

In the outstanding official action, the drawing was objected to because the reference numeral 51 mentioned in the description as being associated with the control unit is not shown in Fig. 1. In response, it is noted that the correct reference sign for the control unit is in fact 50, not 51 as indicated in the specification, and accordingly all occurrences of the reference numeral 51 in the specification are herewith amended to properly read 50, thereby conforming the specification to the drawing. In this regard, it is noted that the specification clearly states that the control unit is arranged to output control data to the signal generator 22 (see page 8, last paragraph) and that it is clear from Fig. 1 that the control unit that provides data to the signal generator 22 is in fact unit 50, so that the instant specification is now consistent with the drawing without adding any new matter thereto.

On the merits, claims 1-4 and 6-9 were rejected under 35 USC 102(b) as being anticipated by Abe et al, with dependent claims 5 and 10 being rejected under 35 USC 103(a) as being unpatentable over Abe in view of Tsukagoshi et al, all for the reasons of record. In response, claims 1, 7 and 9 (all of the independent claims) are herewith amended in order to more particularly and

precisely recite the novel and unobvious features of the instant invention, and it is respectfully submitted that these claims, as herewith amended, and the remaining claims depending therefrom, are now clearly patentably distinguishable over the cited and applied art for the reasons detailed below.


More particularly, the claims have been amended to more specifically recite that the relevant information includes a thickness variation profile comprising thickness variation data indicative of a variation across the entrance face in the thickness of the optical record carrier between the entrance face and the information layer. It is respectfully submitted that this subject matter, as now more precisely recited, is neither shown nor suggested in Abe. In particular, the cited and applied portion of Abe expressly states that the pre-manufacturing information "includes thickness value (specification value) of the light transmitting layer". (See col. 4, lines 21-23). Thus, what Abe clearly teaches is the incorporation of a single thickness value, namely the specification value of the light transmitting layer. This is in direct contrast to and clearly distinguishable from the subject matter of the independent claims as now more precisely recited, namely in that the instant invention does not measure a single thickness value (the specification value) of a layer, but rather a thickness variation profile comprising thickness variation

data indicative of a variation across the entrance face in the thickness of the optical record carrier.

Furthermore, as noted in the instant specification, the instant invention offers a considerable commercial advance over the prior art, as detailed on pages 3-4 of the instant specification, and these important commercial advantages are not achieved by the the substantially different structures of Abe.

In view of the foregoing amendments and remarks, it is respectfully submitted that the drawing and specification are now in conformity, and that the currently-pending independent claims, as herewith amended, and the remaining claims depending therefrom, now define an invention which is clearly patentably distinguishable over the cited and applied art. Accordingly, it is respectfully submitted that allowance of the instant application is now justified, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

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